The motion was carried and the clause as amended was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I now formally move that the Bill as amended be taken up and passed at a subsequent meeting.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

PRESIDENT: I take it that the House accepts the motion.

The motion was accepted by the House.

THE HACKNEY CARRIAGE REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Hackney Carriage Regulation Amendment Bill and beg to move that the Bill as amended by the Committee be taken up for consideration.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

PRESIDENT: I take it that the House accepts the motion.

The motion was carried.

Clause 1.

PRESIDENT: The question is that Clause 1 do form part of the Bill.

The motion was carried and Clause 1 was added to the Bill.

Clause 2.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Under the ruling passed to-day, I am afraid I cannot move my amendment.

PRESIDENT: The question is that Clause 2 form part of the Bill.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I oppose Clause 2.

The clause was put to the vote and passed, 15 voting for and 7 against.

The clause was added to the Bill.

Clause 3.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I beg to move the following amendment:

"Delete sub-clauses (5) and (6)."

Sir, my object in moving the deletion of sub-clauses (5) and (6) is that there is already a provision for the same purpose in Section (32 of the Bill, sub-clause (3) of which runs as follows:—

"The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and the table and shall on demand produce the same for the inspection of any Police Officer or for the information of any hirer of, or passenger by, his carriage and shall, in default, be liable to a fine not exceeding ten rupees."

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Now, sub-clause 5 insists on every Hackney carriage driver having another plate also affixed to the carriage.

Sub-clause 5 runs as follows :

"Every hackney carriage shall have such a plate affixed, and, as often as any portion of the printing on any such plate becomes indistinct or obliterated, re-affixed, on a conspicuous part of the carriage....."

Under sub-section (3) of Section 32 the driver is bound to have a list showing in detail the *fares* and also the distances between the various places. Therefore, I think, the plate which he has to purchase under Section (5) is superfluous. It is not only a superfluity, but it costs the driver some money also. This plate that he has to purchase does not contain any information more than what the list contains. Sub-Section (?) of section 32 says :

"Copies of lists and tables shall be issued to all applicants on payment of a fee of four chackrams for each copy."

The object of the plate has therefore already been satisfied by sub-section (1) of Section 32 which insists on the list and the table being kept in the carriage. Therefore, by insisting the driver to keep another plate the driver has to pay seven chackrams more to carry, on a plate, the same information which he already carries in the list. I therefore move that sub-clauses (5) and (6) be deleted.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I second the amendment. The amendment has made it clear that the driver hereafter will have to acquire two things, one a piece of paper and another a plate, paper which contains detailed information for which he has to pay and copper plate, which also has to be purchased but which does not contain any additional information, and which he has to keep simply as an ornament. It seems therefore that this additional burden upon the driver is not necessary. I therefore second the amendment.

MR. M. SIVATANU PILLAI (*Tovala*) : I want a ruling from the Chair on the following point :

Can any member compel his neighbour member to second his motion. (*Laughter.*)

MR.. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am afraid that the mover of the amendment has not properly grasped the object of sub-section (3) of Section 32 and the object of the present sub-section (4). Sub-section (2) of Section 32 says :

"Copies of such list and table shall be issued to all applicants on payment of a fee of four chackrams per each copy."

The list and table are described in sub-section (1) of Section 32 as follows :

"The Registering Officer shall cause to be prepared a list in English and Malayalam or other Vernacular language of the fares published under Section 30 and shall annex to such lists a table showing the distances between the principal places to and from which Hackney carriages commonly....."

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So the list is a larger list, if I may call it like that. It contains not only the fares but also the distances between the various places.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether the lists contain the fares ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It contains the fares as well as the distances. On the other hand this is what the plate would contain.

"The Registering Officer shall also cause *an abstract of the fares* referred to in sub-section (1) to be prepared and printed on enamelled plates and such plates shall be issued to all applicants on payment of a fee of seven chackrams for each plate."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know the difference between the two ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The plate contains only an abstract and that of the fares alone, whereas the paper contains the distances between the various places as well as detailed information in regard to the fares. The plate contains only an abstract of the fares, but it has to be affixed on a conspicuous part in the carriage so that it could be easily seen by the passengers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether he can keep it inside ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under the Bill that we are now considering, the driver is bound to affix the *plate* in a conspicious place in the carriage, but not the *paper*.

MR. M. SIVATANU PILLAI (*Tovala*): Why is the driver compelled to keep the paper ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Because it contains all the information. The plate is only of very small size, say $3'' \times 2''$. It is affixed inside the carriage so that any passenger can readily see it.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I draw the attention of the Law member to sub-section (3) of Section 32 which runs as follows:—

"The driver of every Hackney carriage standing or plying for hire shall have with him a copy of such list and table and shall on demand produce the same for the inspection of any Police officer or for the information of any hirer of or passenger by, his carriage and shall, in default, be liable to a fine not exceeding ten rupees."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The hirer can certainly ask for it and see it provided he thinks of it and thinks of the law that makes it obligatory on the driver to show it. On the other hand if the plate is affixed in a conspicuous place inside the carriage the passenger will readily see it.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Is the paper so big as not to be mounted ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it not the duty of the driver to keep the paper properly?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under the law he is not bound to affix it anywhere. It is enough if it is in his possession.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the additional utility of the list?

MR. KAYALAM PARMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It contains detailed information in regard to the fares as well as the distances between the various places. For instance, in Trivandrum, you can know the distance from the Railway station to Thampanur, from Thampanur to Manacaud, from Manacaud to Tiruvallam and so on. On the other hand the plate contains only an *abstract* of the fares—one rupee for the first three hours, eight annas for a mile, and so on.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): So the plate does not contain anything that the list does not.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It does not. It is only an abstract of the fares alone contained in the list.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I find one difficulty in the matter. The amendment is for the deletion of sub-clauses (5) and (6). It does not refer to sub-clause (4) about which we have been talking. Sub-clause (4) speaks of an abstract of the fares being prepared and printed on enamelled plates for which the driver has to pay 7 chs. That sub-clause has been allowed to stand.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I point out to the learned Deputy President that it is sub-clause (5) that insists on every driver having it, and that sub-clause (4) does not.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): But the payment is under sub-clause (4) only. This is sub-clause (4):

"The Registering Officer shall also cause an abstract of the fares referred to in sub-section (1) to be prepared and printed on enamelled plates and such plates shall be issued to all applicants on payment of a fee of seven chackrams for each plate."

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I point out to the learned Deputy President that it is sub-section (6) that makes the driver punishable if he does not have the plate affixed as provided for in the Bill?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I understand it. My point is that sub-clause (4) says that the Registering Officer shall issue it to the driver who has to pay seven chackrams. Sub-section (5) only says what the driver has to do with the plate after purchase.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) Sub-section (4) says that the Registering Officer has to issue it *only on applicaton* by the driver.

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PRESIDENT: Section 32 says that the driver *shall apply*.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Not sub-section (4).

MR. A. K. PILLAI (*Karunakapalli*): Sir, I just want to say that the learned Deputy President was labouring under a misapprehension. The compelling clause is not 4 but 5. What 4 says is that

"the registering officer shall also cause an abstract of the fares referred to in sub-section (1) to be prepared and printed....."

But if a man applies, the fee shall be 7 chackrams and it shall be realised from him. But the real compelling force is the punishment which is provided in Clause 5 and it is that clause my friend Mr. Piravi-perumal Pillai is objecting. I do not agree with him for that reason because I think, for the convenience of the public, it is very important and necessary that a plate should be affixed. It matters only 7 chack-rams; but it means a very great deal for the people who travel and who may not know that there is a provision that the drivers must keep a list. But if it is affixed in a prominent place in the crriage every man can see it.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether the member has any objection to this being affixed instead of insisting on a new plate and another payment?

MR. A. K. PILLAI (*Karunakapalli*): Not at all; the only thing is that something should be affixed and since that has not been provided for, it should be done in the interest of the public. So that clause must stand.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I am not at all convinced by the arguments brought forward by the learned Law Member for having the plate also. Under Section 32, Sub-section (1), every driver is compelled to keep a list containing the same information which the plate is supposed to contain also. For the mere fact that the list contains some more information than what the plate contains, the driver should be penalised by asking him to pay seven chackrams to keep another plate which only contains one por-tion of the information which the list contains and I think it is very hard to ask the driver to pay an excess taxation.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether he objects to the list being affixed to the Hackney carriage or to the demand of fees?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I believe the member understood me. I object to the demand of a fee for fixing another plate.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether he has got any objection for the demand of a fee or the fixing of the plate in a Hackney carriage.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I have no objection to the latter.

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MR. M. SIVATANU PILLAI (*Tovala*): Does the member object to the demand of a fee for the plate?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Yes. I object to the demand of an extra fee for plates.

MR. A. K. PILLAI (*Karunakapalli*): May I tell the member that these plates which he describes need be purchased only once in the life time of a carriage?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): No, it is not so because it has to be re-enamelled and he has to buy it, if he loses it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Suppose it is stolen?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): The necessary object to be achieved by affixing the plate is that the hirer may know what rates or fares should be paid for those periods he has hired. He can ask the driver as contemplated in sub-section 32 to produce the list and from that list he can be satisfied as to what the real hire is.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): If the driver refuses to have it?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): There is the penalty. After this compulsion if there is no plate affixed, the hirer cannot do anything.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Of course then there are other officers to take action.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): In that case also the hirer can apply to the "other officers".

MR. A. K. PILLAI (*Karunagapalli*): But then, my friend forgets the fact that the ordinary hirer may not know that there is such a list.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Of course there is the registering officer who will not register it if all the conditions are not satisfied. So I think Sir, that this is asking the driver to pay another amount and keep another plate.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from the member whether there is not this risk that on a day the drivers generally contemplate much business one driver may mischievously remove the plate of one carriage and practically compel its driver to confine his carriage to the shed without being enabled to go out because of the absence of his plate?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Exactly; that is also another difficulty in the way. I therefore think that this is a superfluity compelling the drivers to pay seven chackrams over and above that for the list which they have to buy.

MR. M. SIVATANU PILLAI (*Tovala*): Will the member be satisfied if it is made four chackrams?

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): In an era of surpluses we can very well afford to have no fee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The necessity of having a plate affixed in a conspicuous part of the carriage is conceded by almost everybody so that passengers may readily see it. But Mr. Piraviperumal Pillai's point is that there is a book of tables and fares and distances and why not that be affixed. It is a big article and it cannot be affixed.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know the size?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got that. It is a very big thing and there is no provision for affixing that on the carriage.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Could you suggest an amendment to see that the list is affixed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. It seems to me that it is very necessary to have this clause.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I fail to see the necessity, I press the amendment.

The amendment was put to vote and lost three voting for and twenty-nine against.

PRESIDENT: The question is that Clause 3 do form part of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be taken up and passed at a subsequent meeting.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

The motion was put and carried.

PRESIDENT: We now adjourn to meet again at 11-30 A. M. tomorrow.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Are we going to have official or non-official business tomorrow?

PRESIDENT: Non-official business.

The Council adjourned at 5 P. M. to meet at 11-30 on the next day.

P. N. KRISHNA PILLAI,
Secretary to the Legislative Council.

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